THE EXAMINER.

No. 183. SUNDAY, JUNE 30, 1811.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 179.

MOTION OF SIR FRANCIS BURDETT FOR AN ANDRESS TO THE PRINCE REGENT ON THE SUBJECT OF MILITARY TORTURE.

THE failure of this motion on Tuesday week, after the feelings manifested by Ministers against the subject of it, and indeed against all sorts of enquiry whatsoever, was a matter of course. Those who chuse to lament in vain, may lament that on a question, so largely affecting the interests of humanity, and abstracted from the immediate feelings of Administration, the dissentients should have been nearly ten to one; but the Ministers perhaps, accustomed as they are to a peevish and self-betraying distaste of all enlarged policy, did not think it so abstracted; they seem to entertain an apprehension that all innovation on the side of liberality is something which would go near to ruin them; and not having a sense sufficiently generous to anticipate others in popular and proper measures, they rely upon their creatures for thwarting such measures whenever they are recommended. As to these creatures, we all know of what elements they are composed,—what common-place and selfish beings they are, with a sight bounded by their own petty sphere of action, and luckily born to be forgotten by the posterity whom they are helping to make wretched. The truth or utility of a question is nothing to them: it is enough that men whom they cannot imitate, propose it,—and that others, whom they can, and who are useful to their interests, dislike it;—and the majority is furnished accordingly. In fact, as the House of Commons is now constituted, every body who regards the age with an eye to it's general progress and character, must acknowledge, that that Assembly, to say the least of it, has long ceased to keep pace with the advancing spirit of knowledge; and that, excepting the Abolition of the Slave Trade, a glorious measure attributable rather to the long labour of a few individuals and wrung from the very shame of it's opponents, no single thing, of a liberal and great nature, has been done by it for years past, either political or religious. The cause of public improvement in arts and letters, the cause of religious toleration, the cause of constitutional freedom, the cause of common humanity,—all are left to the last organ of the public voice, and the surest preserver of public liberty,—the Press:—and the Press,—in spite of it's polluters, whether mercenary or malignant, is, thank Heaven, doing it's duty with reputation.

The question then, whether it is conducive or not to the right spirit of a man to punish him like a beast, has gone by, as far as it regards parliamentary discussion or indeed any other discussion. What has been said of it in this and other papers is sufficient to enable the public to form their judgment on it's merits; and while the Ministers, setting aside their borough-mongering majority in the House of Commons, can find but few people to agree with them on the subject, and those few of no importance whatever, we have not only the contrary opinion of the most independant men and most ardent soldiers among us, but the contrary opinions of the BENTHAMS and FRANKLINS, the profoundest and most philosophic thinkers of previous times, and the example of the whole civilized part of the world at this present moment. These facts, striking in with the natural spirit and humanity of our countrymen, have had their proper effect on the public at large. If the discussions in parliament have just been sufficient to do additional harm to the reputation of Ministers, they have just been sufficient, at the same time, to fix the nation in it's feelings on the matter; and the general result is this,—that though Military Torture is not abolished in England, the choice which Courts-Martial have between scourging and imprisoning offenders, joined to the known feeling of the public mind respecting the election they may make, bids fair to abolish it at no great distance of time, and ultimately to class it with those obsolete barbarisms, which Law has silently been obliged to sacrifice to Justice.

It is true, as Mr. BROUGHAM observed on Tuesday week, that the late amendment elicited from Ministers, was rather a hint to Courts-Martial to prefer imprisonment to flogging, then any decided alteration of the Law; and he does not think it probable that the higher offences of desertion, mutiny, &c. will be visited with less severity than before; but perhaps he is not altogether aware, in what a multitude of cases a hasty or sullen officer has brought petty offenders to the halberds under the plea that punishment was necessary and no other punishment was allowed. There may have been some mistake on this head in the interpretation of military Law, but the mistake was a very general one; and at any rate, this declaration on the part of the Legislature will leave the Courts-Martial no escape from the odium incurred by voluntary barbarity. With respect to the punishment of the higher offences, desertion and mutiny, &c. the progress from cruelty to justice;—from passion and prejudice to reason,—may and will be much slower; but still it is to be expected, that the turn given to public feeling on this subject, or rather to the expression of the public feeling, and particularly the example of excellent officers managing and perfecting their regiments with a disdain of appealing to pain of body, will have their effect in time. Men may bear up against odium when they can flatter themselves that their odious proceedings arise from their superior sense; but let the ignorance as well as

cr.. l.y of Militar Scourging be brought to light, and what renders them ridiculous, will teach them to be just.

The approach to this consummation has begun already. Those officers, who have expressed themselves so strongly against the policy of Military Flogging, of course make a point of setting their faces against the practice of it. Mr. BROUGHAM informed the House, that the Duke of GLOUCESTER, whose regiment of Guards justly value themselves on their exemption from this worthless degradation, "thanked his Lieutenant-Colonel for not having had a single flogging in his regiment for two years and a half;" and Sir FRANCIS BURDETT said, that the militia corps under the command of Lord EUSTON, now Duke of GRAFTON, had been brought to such perfection of discipline without the use of the cat-o'-nine-tails, that it "had long been considered as a *pattern regiment*," and had in vain provoked other officers to make their regiments equal to it by severity of punishments *.

Let us hope then that severe officers will hardly be so boyish as to adhere to their system out of mere obstinacy, when they find it so contradicted by experience, and put out of countenance by moderation. It is in vain to talk of motives on this occasion, or of exaggerations, or of the danger of discussing military grievances, or of the superiority of our soldiers to those of the enemy. Every thing of this kind may be granted as true, and yet the folly of Military Scourging is still the same:—we may have bad motives, if the Ministers please, for saving our countrymen a slavish punishment, but the punishment is still slavish and still ought to be saved them:—the Torture may have been exaggerated and may not be so bad as fifty other tortures, but still it is a torture, because it is a prolonged infliction of excessive bodily pain;—there may be danger in discussing the subject of military grievances, but what man, besides an Attorney-General, will have face enough to say that the preservation of the grievances themselves is not a thousand times more dangerous?—lastly, it may be true, and undoubtedly is true, that our soldiers are more than a match for those of the enemy, for if ours are treated slavishly in only this respect, it is perhaps the only respect in which theirs are *not* treated slavishly: but what then? Are we to visit the superior qualities of our countrymen with punishments from which even the French are exempt? No talking like this has any relation to the main question. The Torture is to be considered by itself; and so considered, it has clearly been proved to be as useless in it's effect upon individuals, as it is barbarous in it's nature and disgraceful to the country in which it is authorized. "Save this one black spot," said Mr. WHITBREAD, "I know of no taint, upon the honour of our army;"—a taint, it may be added, singular to the English nation, and so unaccountable and degrading to it, that Providence seems to have kept it among us merely that we might not be too proud of our manifest superiority over the other nations of Europe in every other respect.

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* Now that the entertainments are going on at Cambridge in honour of the Duke of GLOUCESTER's Installation, it is doubly pleasant to recur to the merits of his Royal Highness, whose encouragement of the abolition of Military Flogging, and of the more glorious abolition before mentioned, demands the esteem of every friend of improvement. These traits in his public character, and the active patronage he has shewn towards the Fine Arts, will not only be recollected with pride by such of the University as preferred him for their Chancellor to the Noble Sportsman his rival, but will perhaps afford an agreeable surprise to many of those who voted for the said Sportsman, and furnish them with an excuse for having a good appetite at his Highness's dinners.—What Sir FRANCIS BURDETT has related of the present Duke of GRAFTON must be almost as gratifying to those who have looked into the peerage of late years, and run through the list of those illustrious but at the same time *obscure* personages, the British Dukes. It is a proof, at any rate, that his Grace is a thinking man, and I know not which of his brother Dukes has a right to the same title, unless it is to be given to his Grace of BEDFORD,—in the *country*. Certainly the Ducal list has never presented so appalling a set of heads. Nobody ever hears of them in Parliament, still less in arms or in literature. The Earls and Barons, of course, beat them hollow; but so do the Marquisses, who are little more than half as many, and taking the *Royal* Dukes into account, not nearly half;—but this would be too hard upon them. Why does not some worthy bookseller, anxious for the good repute of rank,—Mr. HATCHARD for instance,—get somebody to translate from the French that essay of the good old Abbé ST. PIERRE, entitled, *A Plan for making Dukes useful?*

FOREIGN INTELLIGENCE.

PORTUGAL.

LISBON, JUNE 8.—It is reported here, that Soult is collecting strength from different quarters; and another battle is expected soon. It is much to be wished, that Lord Wellington may avoid the contest until the fall of Badajoz, which cannot long be deferred, as it will give him a disposable force, and render his situation more secure.

JUNE 9.—Accounts from Badajoz mention than an unsuccessful attempt was made to take part of the works by storm, in which we failed, losing 25 killed. Our army occupies the same position it held when the last mail left us; but Soult is advancing from Lerina, reinforced to the extent of 33,000 men, including 7000 cavalry. These troops are the scrapings of the whole adjacent provinces.

TURKEY.

CONSTANTINOPLE, APRIL 26.—The Porte has hitherto published nothing respecting the catastrophe by which the Pacha of Egypt exterminated, by a single blow, all the Mamelukes; all that we know upon this comes through private letters, according to which, the Pacha was forced to adopt this terrible measure in consequence of the continual mutinies of the Mamelukes. The carnage lasted six hours. Those which escaped the first massacre were sought after with great care, drawn from their hiding places; dragged into the streets and massacred; their wives and children were sold as slaves. The number of Mamelukes who perished in this bloody execution exceed-

ed 1200. This formidable militia reigned a long time in Egypt, where it formed an aristocratic government. After the conquest of Egypt by Selim I. they ceased to reign, but not to trouble the tranquillity of it. The Beys, who were drawn from their body, have frequently reduced the Pacha, who is the Governor sent by the Porte, to be but the instrument of their will, or the passive witness of their exactions and mutinies. It was right and proper that this state of things should cease; but we must agree that the means adopted to effect these were violent in the extreme, and make all those who read the details shudder.

SWEDEN.

Helsinburgh, June 27.—A serious insurrection took place among the peasantry in the neighbourhood of Malmoe, on the 17th and 18th inst. on account of the Conscription; from 1200 to 1500 men assembled, armed with scythes, flails, forks, &c. &c. The military were called in to disperse them, a dreadful scene ensued. 40 of the peasants were killed, and 130 wounded, besides 200 taken prisoners; the others retired to their homes. Similar acts of insubordination have occurred in other parts of the kingdom; some of which have been pardoned, and others visited with death, and the severest punishment the law can inflict. It would seem as if these deluded men viewed the Conscription, not as a measure dictated by motives of national policy and benefit, but as the copy of a similar measure originated by a great continental power, and adopted only from a congeniality of designs and sentiments with that power.

IRELAND.

COURT OF KING's BENCH.

A NOBLE MISCREANT.

THE KING, AT THE PROSECUTION OF JAMES MATHEWS, *v.* LORD LOUTH.

Monday, June 17.

Counsel for Lord Louth this day intimated to the Court of King's Bench, that his Lordship had paid the costs, and given compensation to Mr. Mathews.

Wednesday, June 11.

After some motions of course had been made in Court, Lord Louth appeared, and Mr. Justice Day proceeded to pronounce the judgment of the Court in the following words:—

My Lord Louth, a criminal information was granted against your Lordship, in Trinity Term, 1809, for an alleged abuse of your authority. The two first counts were as follow:—

"That the said Lord Louth, being a Justice of Peace, &c. wickedly and maliciously designing and intending to oppress James Mathews, did wickedly and maliciously, and without any reasonable cause, procure the said James Mathews to be imprisoned for felony, for stealing certain trees, &c. &c. without having received any information or other evidence, on oath, against him the said James Mathews."—At the trial, Mr. Justice Osborne distinctly told the Jury, that the *gist of* the charge made against Lord Louth entirely depended on the motive which influenced his Lordship's conduct towards Mathews, and that if they were not fully satisfied, or *if they entertained any doubt*, of his Lordship's motives, as charged in the information, however clearly proved the fact of imprisonment might be, yet that they ought to find a verdict of acquittal. Thus your Lordship's cause appears to have been placed in the most favourable point of view. The Jury were of the Record Panel, and therefore more respectable than those generally summoned on the trial of criminal offences. On the two first counts of the information they found your Lordship guilty. The material facts of this case were as follows:—It appears that, for some time before, and down to 1801, this Mathews was the tenant of Lord Louth, and held a small farm. Till that period, this man enjoyed the favour of his Lordship; but, at length, he incurred his high displeasure, in consequence of having refused to deliver up four or five acres of ground, which his Lordship claimed as his inheritance, but which Mathews derived under another right. This circumstance appears to have excited his Lordship's high displeasure; and from that source alone it appears that his Lordship entertained most unjustifiable and implacable aversion to Mathews, the prosecutor. I will not go into a history of the minute facts of this case. What his Lordship's motives were have been decided by the Jury. I shall only observe, that all those acts of subsequent oppression appear to have grown out of the unfortunate transaction of *the four acres of land*. Passing over those acts, I shall now come to the particular transaction of this case. In November, 1808, this Mathews was arrested by the authority of the Noble Lord: he was taken by a Constable, for feloniously cutting down trees on that identical ground of which the man was himself the tenant. And on this felonious charge he is brought a prisoner through the country to his Lordship's mansion-house, where this persecuted man, to his astonishment, finds *that no person is examined on oath against him—no informations sworn!!!* His Lordship finding there was nothing to warrant his immediate imprisonment, released him, but with positive injunctions that he should attend at Louth Hall on the Saturday following. Mathews, however, had scarcely withdrawn from the mansion-house, when his Lordship seems to have repented having granted the unfortunate man the indulgence till Saturday, and in two days after his Lordship proceeds, attended by his Constable, a fellow of the name of Cassidy, who, through the whole of the transaction, from the facts given in evidence, *appears to be a man of the most infamous character*; they proceed to the house of Mathews, where they found the unhappy man overwhelmed with domestic affliction—*his wife's life despaired of!—his child lying dead!!* With this distressing picture before his Lordship's eyes, he calls on the witnesses to shew the spot where the trees were alleged to have been cut down;—the witnesses, with their prisoner, proceed to the place, and, on the most diligent inspection, it appeared not only *that no trees were cut down, but that no trees had ever grown on this ground!*—One would imagine, that, after this examination, the prisoner would have been permitted to return to his afflicted home; but his Lordship's vengeance was not to be thus dispensed with; the unfortunate man implored his Lordship to grant him a respite for two short days, that he might prepare for the last sad tribute due to his departed child. What was his Lordship's answer to this feeling appeal? Deaf to the claims of humanity, and to the parent's sorrows, whose misfortunes entitled him to pity and compassion, in the mind of his Lordship either stern justice or a more ignoble sentiment triumphed over the best and dearest feelings of the human heart, *and he orders the wretched man to be torn from his family, thus situated, and to be taken to gaol!!!*—Under this false and fabricated charge of cutting down timber where a tree had never grown, the man was marched as a felon through the streets of Dundalk, and imprisoned for an unbailable offence! All offers of bail were rejected by his Lordship, until, at length, the assurance *that the four acres of land would be given up*, appeased the indignation of the Magistrate; and this wretched victim of injustice, *after twenty-one days imprisonment*, was at length admitted to bail.—Here his Lordship expatiated on the enormity of the offence, a crime which acquired considerable aggravation from the rank of the offender. He said that in this instance personal liberty, *the birth-right of the subject, and the proudest privilege of the British Constitution, had been invaded, and put down by the strong hand of lordly Power.*—Of the motive, it was impossible to doubt, the Jury having found the fact. The unfortunate man is taken into custody, and thrown into a gaol, not only without any evidence, on oath, of his guilt, but against the strongest proof of his innocence. His Lordship's defence for violating the liberty of the subject, was, that he was guilty of an error in judgment. I admit, if a Magistrate were to be punished for an error in judgment, no Gentlemen of common

sense could be found to accept of the Commission of the Peace. But the Court never granted an information against a Magistrate for an error in judgment only.—If he acted with a conscience void of guilt, and with pure motives, the Court would leave the party to his ordinary remedy—but in the present case, there is no ground for sustaining such a defence,—the Jury having found that the Magistrate acted *malo animo*—and here, if principle were wanting, it were to be hoped that rank and education would have inspired your Lordship with a due sense of the laws of your country, and saved you from the *meanness* and *magnitude* of that crime of which you have been found guilty by a respectable Jury of your country. The Commission of the Peace was entrusted to your Lordship, that you might discharge its important duties with honour to yourself and advantage to the public. From your high rank, it was expected that you would have elevated the character of the Magistrate, and procured respect to the laws themselves.—But what has been the result? The Commission of the Peace, I am sorry to say, has been dishonoured by your Lordship, and you have made the Laws the subservient instrument to gratify the resentment of a most ignoble passion. If your offence was to pass unpunished, it would be an imputation on the character of the Magistracy of Ireland, and reflect high disgrace on the Court of King's Bench. I trust that the example made on this occasion will be productive of salutary effects. The Public will perceive, and be satisfied, that the delinquent, *however high his rank, shall not transgress with impunity the laws of his country—that the Irish Courts of Justice pay no respect to persons—and that the proudest Peer is within the reach of the strong arm of Justice, as well as the humblest Peasant.* The judgment in this case has been for some time suspended, and the Court has been informed, that the parties have imparled and come to an understanding—that the individual injured has received a large sum of money (300*l.*) besides his costs; and that thus the private injury is expiated. For my own part, I think the ends of justice better answered by giving compensation to the person aggrieved, than by imposing a fine on the delinquent; —BUT THERE REMAINS STILL AN ACCOUNT TO BE SETTLED BETWEEN *your Lordship and the Public.* You have been guilty of a high misdemeanour, and the administration of justice, the protection of which forms a part of our duty, has been by your Lordship grossly transgressed and polluted. We have given the subject the fullest consideration, and the sentence of the Court is, *that your Lordship shall be imprisoned in the Gaol of Newgate for three calendar months.*

PROVINCIAL INTELLIGENCE.

An inquisition was taken last week at Lincoln, on the body of Simon Taylor, a labouring man of Hamthrope, who had been discovered by some neighbours with his throat cut in a dreadful manner lying on the floor. The wife of this poor man, about a fortnight before this catastrophe, tied the child by her side, and precipitated herself and child into a well near the house, and both were drowned!—*Insanity.*

A few evenings ago, John Hall, a labouring man, went at low water among the rocks, near Cawsand, for the purpose of catching crabs; when, meeting with one in the interstices of the rocks, of a large size, he imprudently put in his hand to pull it out; the crab, however, caught his hand between its claws, and, strange as it may appear, kept its hold so firmly, that every effort on the part of the poor fellow to extricate himself, proved ineffectual; and no one being at hand to assist him, the tide came in, and he was next morning found drowned.

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

Monday, June 24.

SCANDALOUS PUBLICATION.

Earl GREY rose to call the attention of their Lordships to a publication which had been put into his hands, the atrocious nature of which no words he was master of could adequately describe. He found it in a French paper, published in this country, and which he understood had considerable circulation on the Continent. The passage he alluded to purported to be an extract from a periodical work (the *Anti-Gallican Monitor*) which never had fallen into his hands. The Noble Earl then read the passage, in which were enumerated the murders said to be committed by Bonaparte, from the Duke D'Enghein down to Captain Wright. It described the Ruler of France as resorting to every means, however horrible, of getting rid of those who were obnoxious to him. He used the dagger in private, as well as the sword in the field. It was vain to contend with such a man with any but his own weapons. We ought therefore to instigate the individuals of every country to retort his own weapons upon him, and to try the dagger, if by no other the world could be delivered from him.—Here, said the Noble Earl, is a direct exhortation and open incitement to assassination. And what opinion must all Europe have of the character of the British Government and of the British Nation, could it be imagined that such sentiments would be countenanced here in any shape?—Sure he was that his Majesty's Ministers coincided with him in the feelings of honour and detestation with which they would read such doctrines.—It was under this conviction that he thus called their attention, and that of their Lordships, to the infamous nature of such a publication, that they might have an opportunity, not only of disavowing such sentiments, but of expressing their abhorrence of them in those strong terms, which opinions so detestable were calculated to inspire. He was not aware of any mode in which he could proceed to punish the author: but his object was to have a doctrine so atrocious stigmatized and reprobated as it deserved.

Marquis WELLESLEY perfectly concurred in the sentiments so justly expressed by the Noble Earl, and thanked him for directing the attention of his Majesty's Ministers to the publication in question. He hoped it would not be considered as an oversight or neglect in him not to have noticed the publication sooner; but with avocations which he had of a more serious nature, it could not well be expected that he had leisure to look at such low publications. However the Noble Earl might differ in other respects from him and his colleagues with regard to the nature of the war in which we were engaged with France, sure he was, that they cordially agreed as to the open and honourable manner in which it should be carried on; that the British nation, however desirous to counteract and frustrate the ambitious designs of the enemy, would not stoop to use those base and unprincipled means which marked the career of Bonaparte, but that we should meet him openly and manfully in the field, and attack him only with those weapons which a generous and gallant nation could ever condescend to wield. He should certainly turn it in his mind, and would be ready to recommend every practicable mode of punishing the author, and disavowing and reprobating the doctrines held by him, in terms suitable to their atrocity. He had again to thank the Noble Earl for bringing the subject under his notice, and could assure him that he felt as strongly as the Noble Earl the horror and detestation with which such publications should be viewed.

Earl GREY begged to be considered as not supposing the Ruler of France to be guilty of the particular crimes imputed to him in this publication. The imputation, in some instances, might, perhaps, be true; but he was not prepared to say that it was true to the extent imputed by the writer.

The Duke of NORFOLK observed, that it was not to be endured that such a paper should be openly published in the very heart of the metropolis. Surely there was a printer and a publisher's name to the paper, and some mode should be adopted of bringing them to punishment. In his opinion, the paper should be burnt by the hands of the common hangman. In the mean time, he would conclude by moving, that the Paper be laid on the table.

Marquis WELLESLEY was of opinion, that to adopt such a mode of proceeding would be giving too much importance to so contemptible a publication. He wished, at least, that the Noble Duke would not urge such a motion for the present.

The Duke of NORFORK did not press the motion, and here the matter dropped.

CIRCULATING MEDIUM.

On the question of the third reading of the Bank Silver Token Bill,

Earl STANHOPE proceeded to the suggestion of a system, which he felt confident would eventually obviate the evils complained of. The prominent features of his plan were, first, that there should be branches from the Bank of England; that these branches should extend to the principal towns in the island, and into different parts of the country, and that they should be considered as parts of the Bank itself. That the Bank should open in all those places Bank-books, or accounts; that individuals carrying their notes should be entitled to a credit to the amount expressed in the notes so brought. Secondly, that the person who so obtained such credit, would have it in his power to transfer the same, either the whole, or part thereof, even to a low fraction, as is done in the 3 per cents., where a holder may sell any fractional part so low as shillings. That a creditor of this sort may transfer the whole of his credit to another county if he think proper, or to the account of any other person residing in the country, or in London. What would be the consequence? Why, that such a mode of transfer or conveyance could never be forged. A system of this kind would afford a just ground for making Bank-notes a legal tender, which could not be justly or sufficiently done under the present circumstances. He put these suggestions to the serious consideration of Ministers, and he warned them against persevering in such an injurious system as the present.

The Duke of NORFOLK expressed his apprehension that the intended three-shilling pieces would not prove beneficial, being so near the size and value of the half crown.

Earl BATHURST observed, that no difficulty or inconvenience would arise from that consideration, as they were to be rather larger, and of a different die.

The Bill was then passed.—Adjourned.

Tuesday, June 25.

Their Lordships proceeded to the consideration of the Report of the Highway and Turnpike Roads Bill.

Lord GROSVENOR could by no means agree to the Bill. He therefore felt it his duty to propose, that the Amendments be taken into consideration this day six weeks.

The motion was agreed to, which proves fatal to the Bill.—Adjourned.

Wednesday, June 26.

The Royal Assent was given by Commission to the Vote of Credit, the Maidstone Geneva, the Spirit Drawback Suspension, the Bank Token, the Army Prize-money Regulation, the Norway Timber, the Temple-bar Improvement, the Glebe Houses, and Lord Cloncurry's Divorce Bills, besides several private Bills.—Adjourned.

Thursday, June 27.

Loveden's Divorce Bill, on being brought up from the Commons with certain Amendments, was thrown out.

DEPRECIATION OF BANK NOTES.

Earl STANHOPE observed, that the selling of Guineas and the depreciation of Bank-notes, were productive of much mischief, and, if not remedied, would go on to the utter ruin of the nation. A person of great landed property had recently issued a notice, that he would only receive his rents in gold, or in Bank-notes at the rate of 16*s.* for the pound. The consequences which would follow such a practice, if other landed proprietors were to adopt a similar conduct, would be most injurious to the People,—the farmers in particular. As to the Bank paying in gold, how could they get it? In his opinion, the Bank was one of the great bottom planks of the ship of England, and it behoved their Lordships to take care that it was not bored through, and the water let in, which would speedily send the state vessel to the bottom. The object of the Bill he should propose was, to make it illegal for any body to give more for guineas, half-guineas, &c. &c. than the value they lawfully bear, and to make it illegal to take Bank-notes at a depreciated value,—at any thing, in short, less than what they purported to be equal to.—His character, his Lordship said, had often been attacked, and his motives misrepresented; but he had nothing whatever in view but the good of his country. He saw no way by which a depreciated currency could be raised again, but he considered his remedy as easy as the evil was alarming. He then presented his Bill.

Lord LIVERPOOL was convinced of the purity of the Noble Lord's motives, and would admit that the remedy he had proposed was the best yet offered; but still he did not think the evil was such as required at this time legislative interference.—He did not think that any person would be found to follow the example which the Noble Lord had alluded to.

Lord LAUDERDALE was satisfied that something must be done to remedy the evil, which was becoming very alarming.

Lord CLANCARTY said, that such conduct as that alluded to by the Noble Lord, could only proceed from a black malignity of heart, in order to push a question to the greatest extent, under the idea of what was *called* a depreciation of Bank-notes, which in fact did not exist.

Lord LAUDERDALE was of opinion that such conduct might proceed from patriotic principles, in order to put the question to a clear and unquestionable test.

The LORD CHANCELLOR always felt great difficulty about making Bank-notes a legal tender. The opinions of the Judges were not yet given on the merits of a particular case, and he thought the laws were yet sufficient to protect the country from oppression. As to the pure patriotism which the Noble Lord spoke of, he could not understand it.

After some further conversation, the Bill was read a first time, and ordered to be printed.—Lord LIVERPOOL, however, gave notice, that he should oppose it on the second reading.—Adjourned.

Friday, May 28.

THE BERKELEY PEERAGE.

This subject was again resumed this day.

The LORD CHANCELLOR took a review of the leading points of the evidence upon the side of the younger brother, and upon the side of the Claimant, and concluded with moving the following Resolution: "That it is the opinion of this House, that the Claimant has not made out his claim to the titles, dignities, and honours of the Berkely Peerage."

The Resolution was agreed to *nem. dis.*

A short conversation then ensued as to fixing the day for receiving the Report of the Committee, when it was finally settled for Tuesday next, when the above Resolution will be reported to the House.—Adjourned to Monday next.

HOUSE OF COMMONS.

Monday, June 24.

MR. FINNERTY.

Mr. CHAPLIN rose to state certain circumstances, which he thought would be satisfactory to the House, with respect to Mr. Finnerty. The Hon. Gentleman then proceeded to vindicate the conduct of the Magistrates, whom he stated to be a most respectable body. Far from having any wish to oppress a suffering individual, they had, on a complaint being made by Mr. Finnerty that his room was cold and uncomfortable, caused alterations to be made for his accommodation, and given an order allowing him to take the air a certain number of hours each day. This was sufficient to shew that the Magistrates, instead of being inclined to treat him with undue severity, had done every thing in their power to relieve him. He then described Mr. Finnerty's apartment as not being what it had been understood to be. The yard Mr. Finnerty had spoken of, he (Mr. Chaplin) had been in, and walked about for some time without perceiving any offensive smell. At the time he (Mr. C.) was there, Mr. Finnerty was walking about, had a person to wait upon him, and enjoyed other indulgences.

Mr. HAWARTH said, that from what had come out with respect to the Magistrates, he hoped their conduct would at some future day become the subject of inquiry. The statement that had been made respecting them, brought to his mind the

conduct of *Peachum* and *Lockit* in the *Beggar's Opera*. *Lockit* is there seen about to put a very heavy pair of irons on *Captain Macheath*. To avoid this the Captain gives the Jailor money, and then *Lockit* says, "That pair (a lighter pair) will suit the Captain better." The statement made by the Hon. Member had not met the case. Mr. Finnerty, though he ought to suffer, having been convicted of a libel, ought not to lose his life, when he had only been sentenced to imprisonment.

Mr. BROUGHAM said, the most important charge against the Magistrates was, that of imposing on Mr. Finnerty solitary confinement, and making a difference between persons suffering for similar offences. With respect to the uncomfortable situation of Mr. Finnerty, he, among other gentlemen, had the honour to vouch in some measure for the correctness of the statement in the Petition, having had it from a person who had been in the prison, whose report, as far as it went, corroborated the representations made by Mr. Finnerty. Though there was no offensive smell in the yard when the Hon. Member was there, it might happen that the nuisance complained of generally existed, as described by Mr. Finnerty.

Mr. CHAPLIN justified the privations which Mr. Finnerty had latterly been subjected to, as necessary, from his attempting to seduce a servant of the prison from his duty.

INSOLVENT DEBTORS.

On the Order of the Day being read for going into a Committee on the Insolvent Debtor's Bill,

Sir S. ROMILLY rose, not to oppose its going to a Committee, but that such a Bill should not pass through the House as a matter of course. No Insolvent Debtors Bills could pass without a violation of law and justice; yet such measures were rendered necessary by the present state of the law. Would it not be better to do away the necessity of these occasional Bills, by introducing a measure which would entitle the imprisoned debtor to his liberty at the end of one year, on giving up all his property?

The Bill then went through a Committee.

WEAVERS' PETITION.

The Report of the Committee on the Weavers' Petition was taken into further consideration.

Col. STANLEY was sorry no relief could be afforded to the Petitioners, but was glad the Petition had been referred to a Committee, as otherwise it might have appeared to the Petitioners that the doors of that House were shut against them.

Mr. PERCEVAL proposed to move, "That the House should agree with the Report."

The SPEAKER thought they must let the Order drop, or put a nominal question for postponing the subject for a month or six weeks, always understanding that it would thus be wholly set aside.

Mr. D. GIDDY moved, "That the Report be taken into further consideration this day month."

Mr. ROSE stated the conduct of the Petitioners in every respect to have been most exemplary and praiseworthy.

After a few words from Mr. Blackburn, Lord A. Hamilton, and Mr. W. Smith, the Report was ordered to be taken into consideration on that day month.

BATTLE OF TALAVERA.

Mr. PERCEVAL took blame to himself for not having earlier brought forward the claims of the two Generals who fell in that glorious action. He had thought they were not of a rank on which honour could be bestowed, which on enquiry he found was not the case. General Mackenzie, it would be remembered, had been particularly praised in the dispatches, for the manner in which he had brought in the advanced guard of the enemy, which had been compelled to fall back on the day previous to the action. Brigadier General Langworth, for whom also he should move the honour of a monument, was an officer in the Queen's German Legion. He knew of no reason why officers who [illegible] in the public service should be denied the ho[illegible] because they did not happen to be born [illegible] tion ought to be made. He thought [illegible] subject forward as he had done, and he [illegible] which these officers fell, he thought the House would feel with him, that the memory of those who fell on that glorious day ought to be perpetuated by the same honours which national grati ude bestowed in similar cases on other occasions. He then moved, "That an humble Address be presented to his Royal Highness the Prince Regent, praying that he would be graciously pleased to give directions for erecting Monuments in the Cathedral Church of St. Paul's, to the memory of Major-General Mackenzie, and Brigadier-General Langworth, who fell on the 28th of July, 1809, in the glorious battle of Talavera de la Reyna, and assuring him that this House will make good the same."

Mr. J. SMITH seconded the motion; and the motion was carried *nem. con.*

INCOME TAX.

Sir T. TURTON called the attention of the House to the subject of the Property Tax. The Hon. Baronet strongly opposed the present mode of raising it, as it gave an arbitrary power to those employed in collecting it to impose on those from whom it was collected. There was no equality in it, and it was particularly hard on certain individuals who were employed under Government. He thought persons in the Excise were much oppressed, as those whose incomes were 75 or 78*l.* a-year were reduced by its operation to about 62*l.* He would have a difference made between its operation on the rich and on the poor. He would not have it affect the incomes of those who gained by their labour 50s. per week, nor would he have it affect annuities of 2 or 300*l.* per annum. A difference ought to be made between property and income. He wished the House to consider between this and the next Session of some mode of graduating the scale of contribution. The war he also deplored with much feeling, and strongly enforced the necessity of terminating it as early as possible. He concluded by moving the following Resolution:—"That this House will take into its consideration, early in the next Session of Parliament, so much of the Act of 46th George III. as relates to the contributions to and exemption from the said Act."

Mr. PERCEVAL thought it was neither convenient nor desirable that the House should give the pledge required. It would merely have the effect of encouraging expectations which were not likely to be realized. The tax as it now stood on annual profits went on a better principle than that by which it had been preceded. Formerly, persons having large annual incomes escaped its operation, which was guarded against by the present arrangement. He knew not how the alteration proposed by the Hon. Baronet could be affected without lessening the produce of the tax. Nothing was more important than that property should be in every respect affected in the same way. It was beneficial to the lower classes that it should be so. If there were no way of throwing on the high what was taken off the low, the Property-tax must be injured in its produce. The Right Hon. Gentleman contended, that Government must look to annual income to meet annual expenditure, and in no other way could it so well be met on a general principle. With respect to the war, if any one supposed that it was the wish of Government to continue it longer than was necessary to maintain that which was essential to the interest of England and the world, he must unequivocally disavow it. Whatever difference of opinion had at various periods existed as to the policy of it, it had never been pursued but with a view to terminate it properly. It had only been carried on from a settled conviction that to continue it was necessary.

Mr. W. SMITH was always surprised that any Minister could be found to propose such a tax to the endurance of a *free people*, as the Income Tax, in the form in which it was originally submitted. The regulations under which it existed at present, rendered it, he acknowledged, considerably less obnoxious. The principle was objectionable, not merely in consequence of the inequality of its operation, but also on account of that exposure of the affairs of individuals required by its provisions, and most rigidly enforced. He agreed that the difficulty of applying a remedy was extreme, but still he thought that every effort should be made to bring it to as fair and equitable a regulation as possible. The people should see that the House was ready to apply its time to the removal of

such inconveniences. The taking off a portion of the burden off the lower and middle classes, and laying it on the higher, would have a tendency to satisfy the country, and he hoped the House would not hesitate to give such a pledge.

Sir T. TURTON disclaimed the idea of wishing to throw the burden altogether upon the higher orders; all he asked was, that some relief should be afforded, and that the contribution of each individual should be more proportioned to the ability.—If any tax pressed unequally upon the Members of a State, it was the duty of the Minister to adopt some remedy if it were practicable; and there never was a period in which that duty was more strongly enforced than the present: he should feel it his duty to bring forward some measure on this subject next Session.

The motion was then rejected without a division.—Adjourned to Wednesday.

Wednesday, June 22.

PETITION OF ST. JOHN MASON, ESQ.

Mr. SHERIDAN said, that it was some time since he had presented the Petition of Mr. Mason, which appeared to him a case of unexampled oppression. He did not at the time he presented the Petition press the consideration of it, because he was in hopes that he should be able to have persuaded the Irish Government to enquire into the case. The Ministers for Ireland had certainly conducted themselves with great candour when he first brought this circumstance under their notice. They then consented to instituting a Committee for the purpose of enquiring into the state of the prisons in Ireland, and in the course of the present Session, they had of themselves engaged to institute an enquiry into the case of Mr. Dodd, for whom he had presented a Petition, and he had every reason to suppose that the result of that enquiry would be a remuneration to that Gentleman for his great and unmerited sufferings. His delay in calling the attention of the House sooner to Mr. Mason's Petition, arose from his having hopes that the Government would have also enquired into this case. When he said that Mr. Mason's case was one of unexampled oppression, he did not mean to throw any reflection upon Lord Hardwicke, who could not be supposed to be acquainted with every particular case of oppression which took place under that Government of which he was the head. Mr. Mason had been imprisoned for full two years in a most abominably loathsome place of confinement, such, as it appeared, that all most all the prisons were, in the immediate vicinity of Dublin. It was, indeed, astonishing that such public nuisances should have been allowed to exist under the very nose of the Gentleman who composed the Irish Government. Mr. Mason had now, for several years, continued with the most laudable perseverance, to call for an enquiry. It was not that he sought any pecuniary indemnity for being taken from his profession, or for the expences he was put to; but he sought for a reparation for the injury his character had suffered by this imprisonment. Mr. Mason charged Lord Hardwicke (or rather his Government) with oppression, and it would be no answer to such a charge, to say that the Irish Government acted from some information that they did not think proper to publish. Such an answer as that might always be given by any person in power who was charged with oppression, but it could be no satisfaction to the person complaining. He concluded by moving an Address to the Prince Regent, "that he would be pleased to direct the Lord Lieutenant of Ireland, to institute an inquiry into the case of St. John Mason, Esq. who had directly charged the Earl of Hardwicke with oppression in his Government."

Mr. YORKE seconded the motion, as he was desirous that any Petition which alleged oppression on the part of his Noble relative should be enquired into. As to its being called a case of unexampled oppression, he thought it was very strange, if it was such a case, that the attention of parliament should not have been sooner called to it. Mr. Mason had been discharged from imprisonment in 1805, now six years ago, and this was a great while to let a case of unexampled oppression sleep. As to the place of confinement being loathsome and abominable, this was directly contrary to the report of the Committee. It was true that the Irish Government thought it necessary to keep two Gentlemen, Mr. Mason and Mr. Long, in a state of *solitary confinement*; but in other respects they had every reasonable *indulgence*. This confinement took place at a time when the *Habeas Corpus* Act was suspended by the Legislature, in consequence of an actual insurrection. As far as his noble relative was personally concerned, he could only state that the Petitioner was entirely unknown to him, and that he could have no object in oppressing him.

Sir EVAN NEPEAN had been Secretary for Ireland at the time, and the Petitioner was quite unknown either to him or to Lord Hardwicke. He had, however, examined his case with the utmost attention, with a wish, if possible, to discharge him from his imprisonment. The more attention he had paid to the circumstances, the more convinced he felt that his imprisonment was necessary. He had been for many years practising a system which he did not even give up when first committed to prison. He concluded by vindicating the character of Doctor Trevor, the gaoler, from the aspersions thrown out against him.

Mr. W. SMITH said, that no part of the delay in bringing forward this Petition was attributable to Mr. Mason, who was most anxious for an enquiry into his conduct. Without imputing any oppressive disposition either to Lord Hardwicke or to those gentlemen who were Secretaries for Ireland, he conceived that it was very possible that a very innocent man might, in those times, have been made the victim of the bad passions of those whose information was received and acted on by the Government. It appeared that Mr. Mason had suffered the severe punishment of solitary imprisonment for two years, and after that punishment he is sent back to society with an injured character! A man had certainly a right, under such circumstances, to have his character cleared, if he had been so injured.

Mr. PERCEVAL said, that this imprisonment took place under the suspension of the Habeas Corpus Act; and if an inquiry was to be public, it might *happen* that the Irish Government could not with good faith or honour give up the information they had received and acted upon. In the year 1805, there was no Indemnity Act for the Irish Government, and Mr. Mason might have brought his case, if he judged proper, before a Jury, in the shape of an action for damages. He, however, should not oppose the motion.

Sir FRANCIS BURDETT said, that we perpetually heard of the tyranny of Bonaparte, and of his eight bastilles, but he saw no difference between arbitrary imprisonments ordered by a Minister of Police or a Secretary of State. In all cases where any complaint was made, somebody was ready to start up and say, that it would have been a breach of *their duty to the Public* not to have acted as they did. This sort of assertion was so very common, that no great weight was due to it. As to the Irish Government protecting themselves by an *Indemnity Act*, that was presumptive *proof* that they had *violated the laws*.—He contended that even the suspension of the Habeas Corpus Act did not give any Ministers a right to arrest men who were not liable to be arrested before such an Act was passed. If Ministers, under the protection of this law, arrested persons, and sent them to prison on such sort of information as no Grand Jury would give credit to, they acted contrary to the law and to their duty. The act only took away the Habeas Corpus, but it did not give Ministers, or their agents, any right to harass and oppress any man they pleased. As for the charge of improper behaviour in Mr. Mason, this was a charge which, as he had mentioned the other night in the case of Mr. Finnerty, was so constantly made on every occasion of the sort, that he could not pay much attention to it. He thought that the enquiry should rather be before a Committee of that House, and not before the Irish Government, as it was a charge against the Irish Government.

Sir C. BURRELL defended the general conduct of the Irish Government at that period. If Gentlemen were guilty of using their superior knowledge and influence to lead the lower orders astray, they were very suspicious characters, and it might be absolutely necessary to imprison some of them.

Sir H. MONTGOMERY defended the Irish Government.

Mr. HUTCHINSON thought it due to the Noble Lord (Hardwicke), to give his testimony of the general mildness of his government; but, at the same time, cases of great individual

oppression might have occurred, by the acts of the under-agents of the Government, and if this was one of those cases, the petitioner had a right to the restoration of his character. As to the Rebellion in Ireland, he believed it had been kept up, in a great measure, *by the abominable cruelties which had been practised by the agents of Government*—cruelties which, he believed, were greater than had ever disgraced any government or country.

Mr. LONG wished to give his testimony on the subject. During his Secretaryship in Ireland, the attention of Government was diligently turned to the state of the prisons. On Mr. Mason's and other petitions being received, an inquiry was made by him (Mr. Long), and he found the cells clean and fit for their proper purposes. There were complaints against Doctor Trevor, but they *appeared* to be unfounded.

Mr. SHERIDAN had no intention of throwing any blame on Lord Hardwicke's humanity; but he was misinformed, and from that his errors arose. Mr. Mason required nothing but investigation; and now, after the declarations made on the suspension of the Habeas Corpus Act, he (Mr. Sheridan) must be allowed to say something on a point so strangely misconceived by even the lawyers in that House. They talked of it as a power to lock up persons for any length of time upon any kind of information; and this practice was said to be in conformity to what had been done in the best times of the Constitution. This he must deny altogether. It was never done till Mr. Pitt did it, and it was he who first adopted the idea of shutting up any one he pleased without formal information, without charge upon oath, without any of the legal constituents of an accusation. The true suspension of the Habeas Corpus Act was simply keeping without trial the person who had been committed on oath, and in the legal and sufficient form. What was the remedy for all this stretch of law? Why, it must come forth in the shape of a Bill of Indemnity; and the Act for which he principally blamed Lord Sidmouth's Administration was the passing that Bill of Indemnity. Mr. Mason had appealed to every successive Lord Lieutenant and Secretary of Ireland, for a number of years, calling for a trial and investigation, something, anything that might bring him fairly within the eye of justice; but he complained that he could find no tribunal; and he therefore was forced to lay his Petition before the House. The Right Hon. Secretary (Mr. Long) vindicated the jails and their Doctor together. But if there was any truth in human testimony, the vindication might be better kept for a better thing. On the report of the Judges themselves, the jail was offensive and uncomfortable; and Dr. Trevor, all along, a severe and harsh oppressor. A commission had been appointed to enquire into the jails and they found that in Newgate it was *the custom to put thirteen persons into a cell, 8 feet by 13!!* After mentioning some similar instances of outrage, Mr. Sheridan concluded by repeating his wish, that an immediate inquiry should take place, and that Mr. Mason should be heard before the Commission appointed to the enquiry.—The motion was then put, and carried.

Mr. BANKS brought up the Tenth Report of the Committee on Public Expenditure, and said, that the principal object of the Report was, the regulation of the imprests, the arrangement of military accounts, and the audit offices. The Report was ordered to be printed.

INDIA.

Mr. PRENDERGAST wished to have an answer on a paragraph which he lately saw in a newspaper; and which, from the respectability of the meeting, seemed likely to produce evil among fifty millions of the most peaceable people in the world. He alluded to some proposals for forcing Christianity upon the Hindoos, and wished to have some assurance on the subject from either of the Gentlemen whom he saw on the opposite side of the House (Mr. Grant and Mr. Wilberforce).

Mr. GRANT said, that the fear was entirely unfounded. The whole matter was merely, that at a meeting for spreading the Scriptures through Africa and India, a Report had been read, one clause of which stated the request of a society already established abroad, that some contribution might be made to supply readers of the Scriptures. The custom of reading the sacred writings of the Hindoos and the Mahometans before the people was extremely common, and not at all made the subject of offence. This clause was merely a suggestion, but it appeared a perfectly harmless one, and it passed without any thing more of peculiar notice. It was not the intention of the Local Administrations, and their idea of propagating Christianity was totally distinct from force.

Mr. PRENDERGAST professed himself satisfied, and gave up his intention of submitting a motion.

MILITARY TORTURE.

Sir F. BURDETT said, that a new case of flogging had just occurred, which shewed either that the late amendment had not been understood, or not generally acted upon. It was the case of a man in the Isle of Wight, who was sentenced to be flogged: the idea of the punishment was so dreadful, that *he cut his throat!!* The wound was, however, sewed up, and the man was likely to recover, and likely to receive an added punishment for his last act. His name was *Evans*; he was in the Royals, and the leading points were open to the view of his Majesty's Government, if they were pleased to enquire into them. He (Sir F. Burdett) would only now give notice of a motion on the subject early in the next Session.

IRELAND.

Mr. PARNELL wished to know how, by the late arrangement, the duties of the Irish Chancellor of the Exchequer, and the Chief Secretary, would be kept from interfering with each other, as it appeared that they were to be both held by Mr. Pole in future. Was not this like giving the Executive a command over the Treasury?

Mr. PERCEVAL said, that the question was easily answered. What Mr. Pole might have to do as Chancellor of the Irish Exchequer, he would do in that character. Whatever he might have to do as Secretary, he would do it as he had done it before.

INSOLVENT BILL.

Mr. HORNER moved the third reading of the English Insolvent Debtors Bill. On the bill being read a third time,

Mr. HORNER said, that it was his intention to propose a clause for extending the benefit of the Act to certain debtors confined in the prisons of the Isle of Man. By the laws of that Island, natives, upon *a cessio bonorum* upon oath, were entitled to their discharge from confinement; but strangers contracting debts in the Island, and becoming insolvent, were not entitled to the same privilege, and might be detained in confinement as long as their creditors should think fit to pay them an allowance of six-pence per day. This distinction was peculiarly severe upon persons of that description, because in the Isle of Man there was no county allowance, nor was there any such thing as parochial relief; so that the families of such unfortunate debtors as were not natives, were left without any provision. The object of the clause, therefore, which he had to propose, was to extend the benefit of the Act to such prisoners confined for debt in the jails of the Isle of Man, as were not natives of that Island. The provisions of the clause were, that such prisoners as were confined on or about the 1st of May last, for sums not exceeding 2,000l. and persons in prison for five years previous to that period, for sums not exceeding 300 l. should be liberated on application to the Chancery Court of the Isle of Man, upon delivery on oath of all their property and effects in that Island.

The clause was added to the Bill. The Bill, with the Amendments, was then passed; as was also the Irish Insolvent Debtors' Bill.—Adjourned till Monday.

TUESDAY'S LONDON GAZETTE.

Downing-street, June 25, 1811.

A Dispatch, of which the following is a Copy, was this morning received at Lord Liverpool's Office, addressed to his Lordship by Lieutenant-General Lord Viscount Wellington, dated Quinta de Gramicha, June 6, 1811:—

MY LORD,—We have continued the operations of the siege of Badajos with the utmost activity, since I addressed your

Lordship on the 30th ultimo, and our fire commenced on the morning of the second instant, from four batteries on the right of the Guadiana, directed against the outwork of Saint Christoval, and on the enemies batteries in the castle constructed to support that outwork; and from two batteries on the left of the Guadiana, directed against the eastern face of the Castle.

The fire from these batteries has continued ever since, and a breach has been made in the outworks of St. Christoval, which, however, is not yet practicable for assault; and considerable progress has been made in effecting a breach on the eastern front of the Castle.

Notwithstanding that these works have been carried on with great rapidity, I am happy to say that they are themselves so complete, and the communication from one to the other so well assured, that our loss hitherto throughout the siege has been very small.—I am sorry to say that Lieutenant Hawker, of the Royal Artillery, an officer who has distinguished himself in the operations, was killed this morning.

The enemy have hitherto made no movements to disturb our operations; but I understand that three battalions were moved from the blockade of Cadiz in the last days of May; and I have received a report, that the battalions of the 9th corps, destined to reinforce the Army of the South, were to arrive at Cordova on the 5th or 6th of this month.

The Army of Portugal likewise broke up from the Tormes on the 3d instant, and their first march was in the direction of the passage of the Tagus.

I have received a letter from Mr. Wellesley, of the 1st inst. from which I learn that Gen. Suchet had invested Tarragona.

I have, &c. WELLINGTON.

BANKRUPTCY ENLARGED.

G. Dicker, Northampton, serge-maker, from June 22 to July 10.

BANKRUPTS.

J. and R. Bailey, Salford, Lancashire, silk-manufacturers.
H. Halford, Oakham, draper.
J. Maggs, Hilperton, Wilts, coal-merchant.
T. Parr, Thatcham, Berks, carpenter.
T. Parry, Chester, tallow-chandler.
G. Phillips, jun. Great Warner-street, brass-founder.
W. and W. M. Porter, Copthall-court, merchants.
J. Smith, Manchester, bookseller.
M. Wing, New Sarum, clothier.
T. Young, Andover, cabinet-maker.

SATURDAY'S LONDON GAZETTE.

This Gazette contains accounts of the following captures:—Le Heros French privateer, of 6 guns and 40 men, by the Pheasant sloop, Capt. Palmer:—a Danish privateer, of 2 guns and 13 men, by the boat of the Forward gun-vessel, Lieut. Bankes:—a ditto, of 10 guns, and one of the same force destroyed, by the Calypso sloop, Captain Weir.—Also an account of the burning of a French cutter, of 4 guns and 30 men, by the Ranger sloop, Capt. Acklow.

BANKRUPTS.

S. and J. Briddon, Manchester, grocers.
E. Simonds, Leeds, brandy-merchant.
E. Adams, Basingstoke, shopkeeper.
H. Rugely, St. Ives, Huntingdon, draper.
E. Farr, Crawford-street, Mary-le-Bone, victualler.
H. Kendall, Rochester, draper.
J. Pollitt, Manchester, cotton-spinner.
H. Hughes, Pontpool, Monmouth, tallow-chandler.
R. Allen, Manchester, grocer.
H. Georges, Liverpool, merchant.
S. Stockman, Kingswear, Devonshire, mariner.
J. Liversedge, Bradford, Yorkshire, cotton-manufacturer.
R. Ayre, Leicester, currier.
J. Whitehouse, Dudley, Worcester, nail-factor.
J. Humble, Felling, Durham, merchant.
T. A. Harvey, St. Martin's-lane, bricklayer.
R. Pickering and Co., Leeds, bleachers.
T. Adams and T. Messiter, Bristol, merchants.
W. Hague, Wigan, Lancashire, innkeeper.
R. Coates, Scarborough, Yorkshire, stone-mason.
R. Howard, sen. and Co. Mitcham, Surrey, calico-printers.
J. Gent, Walsall, Staffordshire, watch-maker.
T. Palsgrave, Blackfriar's-road, insurance-broker.
G. Greenwood, Dewsbury, Yorkshire, manufacturer.
C. Thomas, Philip-lane, factor.
H. Pulsford, Berkeley-street, Piccadilly, wine-merchant.
W. Thorn, Plymouth-dock, Devonshire, tailor.
C. Horne and Co. Church-st. Clement's-lane, wine-merchants.
D. I. Monk, Camden-town, dealer.
J. Beckett, Aldermanbury, lighterman.
A. E. Berg, St. Paul's Church-yard, merchant.
A. Noone, Stratford, Essex, saddler.
G. Smith, Kent-road, Southwark, carpenter.

SATURDAY.—*St. Peter.*—Holiday at the Bank.

THE EXAMINER.

London, June 30.

By dispatches from Lord Wellington received on Tuesday last, it appears that a breach had been made in the fortifications of Badajos, and that every hope was entertained of it's speedy fall; but nothing has since transpired on that event.

The Speech of Bonaparte on the 16th instant to his principal corps of slaves, facetiously termed the Legislative Body (as if any body made the laws but himself!) forms the principal news of the week. Perhaps it is the worst that has ever issued from his mouth,—at least in point of misrepresentation. Holland, he says, "has been united to the Empire because she is but an emanation from it—and without it the Empire would not be *complete*;" a charming reason for violating common justice; as if France had never been a great empire without Holland; and as if the first law of nations was to aggrandize their respective territories. This indeed is generally their first practice, but perhaps at no period of modern history have a people become so slavish, or have so stripped themselves of the external wear of virtue, that a conqueror might express himself to them with this contempt of decency. With the same mixture of impudence and hypocrisy, the Emperor talks of the union of the Valais as "necessary to *conciliate* the interests of Switzerland with the interests of France and Italy;"—complains of our *accusing* him of alarming designs upon other Powers, and of appealing "to the pride of nations in order to excite their *jealousy* (an exquisite touch of innocence!); says that we lay hold of all the "*unexpected* events of the times in which we live," meaning thereby such events as the seizure of Spain, an occurrence, no doubt, perfectly unexpected and unconscious on his part;—and in fine, tells his audience, that he has given the King of Spain all that was necessary and proper to unite the interests and *hearts* of the different people of his provinces;" that is to say, as he himself proceeds to explain, "the greater part of the strong places in

Spain has been taken after *memorable sieges*," and "the *insurgents have been beaten* in a number of *pitched battles!*" so that if his slaves are to believe him, as they will undoubtedly take every pains to do, the way to white people's hearts is to go and scatter their blood and comforts in all directions, and the sanguinary resistance of Spain is a mere piece of coquetry or passionate fondness on her part—the *dente labris notam*—or a new species of

—Fond, reluctant, amorous delay.

These "afflicting absurdities," as the *Times* justly terms them, are climaxed by another of those prophetic denunciations against the modern "Carthage," which are so consolatory to French vanity. The reader will remember that the conflict with "Carthage," was to have been decided in every place where BONAPARTE has fought,—in Italy, in Egypt, in Austria, in Prussia; and now it is to be decided in Spain. "When England," he says, "shall be exhausted,—when she shall at last have felt the evils she has for twenty years with so much cruelty poured upon the Continent,—when half her families shall be in mourning,—then shall a *peal of thunder* put an end to the affairs of the Peninsula and the destinies of her armies, and avenge Europe and Asia by finishing this *second Punic war*."—Heaven knows, that England, with her Pittite politics and coalitions, has to answer for a great deal on the Continent; but if she retain a spark of her ancient virtue, and her enemy continue to encrease in his vices, *he* is not the judge to whom she shall answer. Such peals of thunder as these, rolled out upon brass like those of SALMONEUS, are as little formidable as new to her; and the thunderer knows it as well as we do, or he would have been here long ago, when his bolts were in better condition.

The most observable omission in this speech is in avoiding the mention of the Emperor ALEXANDER, to whose mutual ardour of attachment BONAPARTE is fond of adverting. This, and some angry expressions purporting to have been heard respecting him in a speech of BONAPARTE to the Council of Commerce, together with the change of Ambassador at the Russian Court, have thrown considerable doubts on the rumours of renewed confidence between the two Emperors, and revived the previous expectations of a war between them. But the hunter of news can rely on nothing that he thinks he has started in the movements of so capricious a being as ALEXANDER. He is evidently a very weak man; and his people, to all great purposes of European action or interference, are as weak as himself.

The most curious part of the Speech relates to the affairs of Religion, which, as BONAPARTE truly states, "have been too often mixed with and sacrificed to the interests of a state of the third order." He then proceeds to lament the great schism which this absurdity occasioned, and says he has "put an end to the scandal for ever."—"I have united Rome to the Empire; I have given Palaces to the Popes at Rome and at Paris. If they have at heart the interests of religion, they will often sojourn in the centre of the affairs of Christianity, (the French metropolis). It was thus that ST. PETER preferred Rome to an abode even in the Holy Land." The reader will smile at this last sentence, which relates with such gravity a story, at best very doubtful, and despised by BONAPARTE, whether doubtful or not. What is most to be lamented in these pithy proceedings, is, that such a man should be enabled by fortune, to have the glory of putting an end to such usurpations. From the attention lately paid to the subject by BONAPARTE, and the meeting of the National Council at Paris, many persons have conjectured that he is hampered with the affairs of the Catholic Church on account of the disapprobation produced by his treatment of the POPE, and some have gone so far as to imagine that he finds it difficult to procure Bishops for his sees! But when was the Church so excessively delicate,—so absorbed in spiritual conscientiousness! If he can find men to toil and bleed for him in opposition to common justice, he will hardly be straitened for want of others to enjoy good salaries at their ease, in opposition to the POPE. If PIUS the 7th refuses to consecrate his Bishops, he has only to make another Pope; and it is to be considered, that if the Gallican Church never acknowledged the interference of the Bishop of Rome to the extent of the other Catholic Churches, it is much less likely to care for it in the present times, when the Papacy has so lost its ground not only in power but in opinion. If BONAPARTE is to apprehend any thing on the score of religion, it is the progress of deism rather than that of popery. Our countrymen, who in their escape from popery have kept their religious institutions with less disturbance and are likely to keep them longer than the other nations of Europe, do not seem to be aware of this progress on the Continent.

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Government have received dispatches relative to the action between the Little Belt sloop of war, and the American frigate. No account of these dispatches has yet been published, but some statements in the Nova Scotia Gazette, represent the affair in a different light from that which it appeared in the New York papers. If these statements may be relied on, the attack on the part of the American frigate was intentional.

A letter from an Officer of rank in General BERESFORD's army, dated the 1st of June, states, that on the 29th of May, the army was agreeably surprized by a loud cheer in front of the line, and soon perceived it proceeded from a body of 350 British troops, made prisoners at Albuera, who had been put into a Convent Prison, and having undermined the wall and made their escape with their officers at their head, proceeded to join the main army. They met some friendly Spaniards, who conducted them to the mountains, where they staid four days, and were entertained most hospitably. Being refreshed, they proceeded with their friendly Spaniards as guides, by bye roads, and soon joined the British and Allied Army.

French Papers, to the 23d inst., arrived on Friday.—They are chiefly filled with accounts of balls and fetes given on the christening of the young KING of ROME.

Lord Louth.—A much better account of this Lord's Sentence, than that given in the London Papers, will be found under the head of "Ireland."—Some of the daily papers, indeed, have scarcely noticed the case at all, though every way worthy of the public attention.—There is nothing surprizing in it but the great leniency of the sentence. Lord Louth, a Magistrate, guilty of an act of oppression the most inhuman and outrageous, is to be imprisoned *three* months only, while Mr. Finnerty, who was not permitted to prove *the truth* of his charges against Lord Castlereagh,—and Mr. Drakard, who published an article in the cause of humanity,—are to be confined *eighteen* months!—Is this even-handed justice?

The amount of property advertised to have been lost by different persons at the Prince Regent's Fete, as taken from the books of the Echo Office, exceeds 2000*l.* nearly the whole of which has been restored.—No estimate has yet been published of the cost of the Carlton-house Gala. When it is known, it would be curious to learn how many unfortunate debtors the money would have restored to their afflicted families and to society.

None of the persons trampled upon in Pall-mall on Wednesday have died of their wounds.

The great Landholder, (said to be Lord King) who has given notice that his tenants shall pay their rents in gold, or in bank-notes, at the rate of 16*s.* per pound, is said to have adopted that resolution solely with the view of forcing the question respecting the state of the currency on the attention of Ministers.

A female pauper, in St. John's Workhouse, Westminster, on Wednesday threw her infant out of the window, four stories from the ground, and then followed herself! The child and its mother were taken up alive, in a state too dreadful for detail, and were conveyed to the Westminster Infirmary.—If this poor creature was not insane, what sort of treament must that be which could drive her to such an act?

THE KING'S ILLNESS.

"*Windsor Castle, June* 22.

"His Majesty continues as well as he was last week."

Windsor, June 28.—The following is the Bulletin delivered this morning to the Messenger, to be conveyed to London for the perusal of Ministers.—

"*Windsor Castle, June* 28.

"The King had not so good a night last night as for several preceding nights; but this morning he is not at all worse than he has been during the week."

THEATRICAL CORRESPONDENCE.

Mr. Examiner,—I shall be happy to see in your next number, some of your criticism upon Miss S. Booth's representation of *Juliet* last night,—To me the representation of the piece furnished a very high intellectual treat. The minor characters were all at least respectably represented, while those of *Romeo* and *Juliet*, by Mr. C. Kemble and Miss S. Booth, were embellished with so fine an union of art and nature, as always to delight, and, upon every proper occasion, often to enrapture the soul. One would infer that either had drunk deep of the "delicious poison" at love's own fountain, so exquisitely did each tone, each look, each gesture, convey its sympathetic feeling to the heart. I could see the tear on many a lovely cheek, and the involuntary convulsive sob agitating many a manly breast. The most hypercritical phiz seemed to grin with irresistible satisfaction. It is hardly, indeed, possible to imagine a more natural representative of the young, the lovely, the impassioned, the tender, the happy, and the wretched *Juliet*, than Miss S. Booth so bewitchingly realized.

I regret that I have not the play at hand to indicate the passages which she gave with the most striking effect; but I will venture to say there was not a word or a look or a posture, that would not have charmed a real lover,—not an agonizing expression, that would not have made a dying husband cling to life for her sake. I feel it impossible to convey any adequate idea of the excellence which overpowered me, and I trust to see the subject touched by your hand. The extent of her talent was evinced in her recitation of Collins's Ode to the Passions, and in her representation of the *Romp*, a character, in my opinion, quite unworthy of so accomplished an actress.—But what astonished me was, to be assured that Miss S. Booth had never attempted *Juliet* before; that she had not even rehearsed the character (from ten days severe indisposition preceding the performance) and that she, fascinated so splendid an audience, actually covered with the small pox! I have thought it right to say thus much to you, Mr. Examiner, in hopes that you will furnish a much superior tribute to so unexampled an effort of genius triumphant over human infirmity.

I could discover no imperfections myself in the whole delineation of the character,—although Miss B. must have felt herself greatly embarrassed by so peculiar a concurrence of unfavourable circumstances; but if you did, and will point them out, I am sure you will be rewarded by finding them removed against a future representation; for it is not the least promising trait of this amiable young actress, that she feels defects in herself which others cannot observe, and corrects them with a winning docility, soliciting and outstripping the voice of instruction.—I remain, Sir, very respectfully, your's, T. M. W.

Fenchurch-street, Friday Evening.

FINE ARTS.

ROYAL ACADEMY EXHIBITION.

The talents of Mr. Ward were first recognised in the republic of art by faithful translations in mezzotinto of the nature-inspired works of the British Bredwer, Morland. But his emulation was too ardent, and his powers too versatile and vigorous, to be confined to mezzotinto scraping, and he became conspicuous for a rapidly increasing ability in the painting of landscape and animals. In the portraiture of the latter he exhibits an intimate acquaintance with muscular and osteological science, an eye for beautiful proportion and appropriate character, an unsurpassed delicacy and energy of pencil, and depth and transparency in the chiaro-scuro and colour. All his pictures in the Exhibition are not only superior to every other animal painter of the day, but would stand the test of comparison with Schnyder, Potter, or any other great master; he has therefore been deservedly brought forward among the Royal Academicians on the foreground of pictorial honour.

416, *View of Rome*, and 265, *View of Tivoli*, are painted by Mr. A. Wilson, with a noble breadth and simplicity of colour and effect, and vigour of drawing, worthy of the grand objects they exhibit.

R. H. *(To be continued.)*

EARL BERKELEY.

On Friday the question which has so long occupied the House of Lords, respecting the Berkeley Peerage, was determined; their Lordships agreed, *nemine dissentiente*, that the Claimant had not made out his Claim to the dignities of Earl Berkeley, Viscount Dursley, and Baron Berkeley. This decision will be considered in the House on Tuesday, and the question will then be finally determined. Upon the death of the Earl of Berkeley, which took place a year ago, it became a question, which of his Lordship's sons was entitled to be called to the House of Peers as successor to his dignities. The eldest son of the late Earl and the present Countess of Berkeley, who was then Member for the County of Gloucester, and sat as Lord Viscount Dursley, claimed as heir apparent to succeed to the Earldom of Berkeley, and the other titles and dignities of the late Earl. This claim was opposed, on the ground that the marriage between the late Earl and the present Countess did not take place for many years after the birth of the Claimant, and that consequently he was not the eldest legitimate son of the late Earl. On the other hand, it was contended, that though the public marriage between the Claimant's father and mother did not take place till 1796, consequently long after his birth, yet that a private marriage was solemnized between them in March 1785, at Berkeley, which was antecedent to his birth, he being born in December, 1786. The decision of the Committee of Privileges was against the Claimant, and consequently the marriage in 1785 has not been proved to the satisfaction of their Lordships. The evidence which has been given discloses facts of the most singular and extraordinary nature; it is very voluminous; the minutes contain nine hundred folio pages.—Lady Berkeley is the daughter of Mrs. Glossop, of Osburuby, Lincolnshire, (formerly Mary Cole). The old Lady has always lived in obscurity herself, but her three daughters have risen to a remarkable elevation in Society. One is the present Countess of Berkeley; another married a Gentleman, who, dying, left her possessed of 7000*l.* a-year, and she is now the wife of a nephew of the late Sir F. Baring; and the third is married to a General in the army, at present in an important command in America.

MR. W. HOWARD AND THE DUKE OF NORFOLK.

On Friday week, while Mr. Walter Howard was standing on the pavement, opposite the Duke of Norfolk's residence in St. James's-square, quietly waiting with his wife to obtain an interview with his Grace, who was expected out, he was forcibly seized, by two men in the service of the Duke, and carried to the Police Office in Marlborough-street.—One of these men, of the name of *Ridley*, charged Mr. Howard with assembling a mob and exciting a riot, "to the great terror and annoyance of his Grace the Duke of Norfolk;"—and for want of bail, Mr. Howard was sent to Tothill Fields Prison, where he now is.—To the charge of exciting a riot, which this *John Ridley* has sworn to, Mr. Howard and his wife solemnly aver, that no such riot took place. It is true, they say, that some people did assemble, out of idle curiosity; but they were not desired to assemble by Mr. Howard, who wished them away, nor did he act in any manner unbecoming a peaceable member of society.

If Mr. Howard's statement be true, it appears, then, that the charge of rioting is a false one as it relates to him; and if any riot took place, it must have been caused by the seizure of this unfortunate man.—Last winter, Mr. Howard, on a charge of a similar nature, was sent to the same prison, where he remained some weeks, but when brought up to the Quarter Sessions, no one appeared against him, and he was of course discharged.—It is expected that a like course will be adopted on Thursday next, when he is to be carried before the Magistrates at the Westminster Sessions.—Mr. Howard sleeps upon the boards of the prison, without a single thing under him. As the weather is warm, this, to a man left by the Howard family to starve with his wife upon 45*l.* a-year, is no very great hardship. It was different, however, in his last confinement. The weather was then of the most bitter description, and Mr. Howard felt it in all its horrors, for he had only the jail allowance of one filthy and scanty blanket, and a small quantity of straw.—Illness was the natural result.

The Duke of Norfolk, or his agents, are called upon to *prove*, on Thursday next, at the Sessions house, the charge thus brought against an unfortunate and forsaken man. If he has broken the public peace, and disturbed the quiet of his Grace, let it be so shewn, and let the offender meet the punishment he deserves; but if, *as before*, no one appears to justify the accusation, the public will be led to imagine that it cannot be justified, and that Mr. Howard is a victim to pride and oppression.—In fact, if his statement be correct, he is now suffering a confinement with the vilest of criminals, merely for *attempting to speak to the Duke of Norfolk!*—Is this *law* even?

The following is a copy of the Justice's Warrant,—to get which you are obliged to pay one shilling and fourpence:—

"*To the Governor of Tothill-Fields Bridewell, or his Deputy.*

"City and Liberty of Westminster, in the
County of Middlesex, (to wit.)

"Receive into your custody the body of *Walter Howard* herewith sent you, brought before me, Edmund Pepys, Esq., one of his Majesty's Justices of the Peace in and for the said city and liberty, and charged before me, the said Justice, upon the Oath of *John Ridley*, with coming to the dwelling-house of his Grace the Duke of Norfolk, in the parish of St. James, within the city and liberty of Westminster, in the said county, this day, in a riotous and tumultuous manner, and thereby causing divers other persons, to the number of twelve and more, unlawfully, riotously, and routously, to assemble together, to the great *terror* and annoyance of his Grace the Duke of Norfolk, and the disturbance of the public peace, and against the peace, &c.

"Him therefore safely keep in your said custody, for want of sureties, until he shall be discharged by due course of law, and, for so doing, this shall be your sufficient Warrant.

"Given under my hand and seal this 21st day of June, One Thousand Eight Hundred and Eleven.

"A true Copy. "E. Pepys."

"H. Rothwell, Keeper."

THE STAMFORD NEWS.

THE KING, ON THE PROSECUTION OF THE ATTORNEY-GENERAL, AGAINST JOHN DRAKARD, FOR A LIBEL.

Sir,—I observe with pleasure the proper statements made by you of Mr. Drakard's soundness of temper and propriety of conduct under his present sentence of the Court,—to the truth of which Mr. Jones, the Marshal,

and every officer of the Court, under whose immediate charge Mr. D. has passed to his present place of confinement, can most satisfactorily testify,—and I, as an individual, have much gratification in vouching to the fact. I beg leave to state one circumstance, connected with his late defence, which places the honourableness of his feelings in no mean point of view.

The writer of the article for which Mr. Drakard is at present suffering the sentence of the law, called upon me long previous to the trial, and offered, nay, even pressed the subject hard, to avow himself to the Crown Prosecutor, in hopes of sheltering Mr. D., and subjecting himself to all the severity attendant on conviction.

This was communicated to Mr. Drakard, and he, with a manly dignity, which a mind conscious of persevering firmness could only dictate, replied—

"It appears to me impossible, from my apprehension of the article, that I can be convicted; but if a Jury can be found who can so far misconstrue its meaning as to bring it in a libel, as I am self-convinced of its merits, I am ready and prepared alone to undergo its punishments."

And Mr. Drakard has acted up to the full of his profession.

THE SOLICITOR FOR THE DEFT.

June 18, 1811.

SUBSCRIPTION FOR MR. DRAKARD.

This Subscription is successfully advancing.—It amounts at present to 275*l.* The following are taken from a number of others published in the *Stamford News*:—

	£.	s.	d.
Richard Reynolds, Esq. Paxton	5	0	0
Sir Gilbert Heathcote, Bart.	100	0	0
Charles James Packe, Esq. Hanthorpe House	10	10	0
An Enemy to Persecution, Stamford	0	10	6
G Gouger, Esq. London	5	5	0
W. Thompson, Esq. Stamford	2	2	0
A mite from the Journeymen Brush-makers employed in Mr. Rose's manufactory, Kettering	1	1	0
May the advocates of Flogging prove in their persons the advantages of their favourite system	0	5	6
One who does not much like Bonaparte, and is not very fond of flogging	0	2	6
A friend to the cat with nine *lives*, but an enemy to the cat with nine *tails*	0	2	6
J. Smith, Esq. 14, King's-road, Bedford-row	2	2	0
A Lady who considers Mr. Drakard's case one of extreme severity	1	1	0
Joseph Johnston, one who always liked to see a soldier stand upright, but not pulled upright	5	0	0
The Examiner	10	10	0
J. E.	1	1	0
Mr. Mascall	2	2	0
One who prefers a *London* Jury to a *Lincoln* one, on a trial for libel; and a friend to free discussion, Market Deeping	0	10	0
J. N. Esq. Lincoln	5	5	0
One that believes Bonaparte and Sir Vicary to be miserable sinners, J. D.	0	10	0
A Friend to free discussion, St. Mary's-street, Stamford	1	1	0
Henry Sass, jun. Esq. London	1	1	0
F. W. one who wishes the British halbert may never be stained with English blood, nor whiprord be the cause of it	1	0	0
A Bostonian, who believes it to be the province of a jury and not of the judge to pronounce guilty or not guilty	0	2	6
A flog for the flogger	0	2	6
Mr. G. Yorke	1	1	0
W. H. a detester of partial Judges and packed Juries	0	5	0
One who is now almost afraid to speak against the cruel system of punishment in our army, lest he should incur the displeasure of our *humane* Attorney-General	1	0	0
A mite of a Local Militiaman, who thinks that the advocates of flogging, if only once scratched on the back by the *cat*, would soon renounce their opinions	0	5	0

MR. FINNERTY.

"TO THE HON. THE HOUSE OF COMMONS OF GREAT BRITAIN AND IRELAND, IN PARLIAMENT ASSEMBLED, THE PETITION OF PETER FINNERTY SHEWETH—

"That in consequence of a letter published in the *Morning Chronicle*, complaining of grievous injury sustained by Petitioner and by his countrymen in Ireland, Petitioner was indicted for a libel at the prosecution of Lord Viscount Castlereagh. That upon receiving notice of trial for the said libel, Petitioner found that the witnesses most material to his defence were absent from England, and therefore he had a motion made in the Court of King's Bench, for the postponement of the said trial, which motion was rejected; contrary, as he understands, to the usual practice of that Court. Petitioner being unable to establish any defence in the absence of his witnesses, thought it expedient to let judgment go by default, without, however, any consciousness of guilt, being, as he offered when brought up for judgment, ready to prove by the most irrefragable testimony, the truth of his allegations; particularly with respect to the infliction of Torture in Ireland in the months of May and June, 1798. That Petitioner was, notwithstanding, sentenced to 18 months imprisonment in Lincoln Castle, where he has experienced, and continues to experience, a degree of rigour unprecedented in modern times—unauthorised by the terms of his sentence—and in direct hostility to the mild and merciful character of the British constitution.

"That upon the night of his arrival at this Castle in the month of February, Petitioner, although evidently in a bad state of health, was committed to a felons' apartment, where he is still compelled to remain. That finding his appeal to the jailor's consideration quite ineffectual, Petitioner had a remonstrance presented to the visiting Magistrates of the prison, of which the following is an abstract:—

"I am confined upon a ground floor, in a cold gloomy apartment, the door of which is nearly opposite to my bed, and opens into a yard about twenty-five feet square, enclosed by a wall about thirty feet high—so high, indeed, as to exclude the free current of air. In the centre of this yard is a gate, from whence issues the most offensive smell, owing, as I understand, to the common-sewer of the debtors prison, which runs underneath, and which smell annoys me even in my cell. By this smell I am prevented taking any exercise in that yard, while I am denied the opportunity of enjoying air and exercise in the area which surrounds the prison, and to which all the other prisoners are admited throughout the day, excepting only the common felons and myself. Of this privation I have the more reason to complain, because, from the state of my health, being subject to indigestion and violent spasmodic affections in the stomach, I have been uniformly advised, by all medical men whom I have had occasion to consult, to seek the enjoyment of fresh air, and to take as much exercise as I could bear. Such has been the opinions of Doctors Lipscomb, Wright, and Stanton, whom I have consulted in London; and such also is the opinion of the Physicians to whom I have had occasion to resort since my arrival here, and whose Certificate is annexed. Such treatment as I complain of is, I am persuaded, as contrary to the intention of the Judges by whom I have been sent here, as it is, I submit, inconsistent with that to which any man committed for a misdemeanour ought to be subjected."

"That about a week after the Petitioner's arrival here, he was, in consequence of this remonstrance, visited by the Magistrates, one of whom, in the course of conversation, observed, that they (the Magistrates) could not compel the jailor to ac-

commodate Petitioner with rooms in the front of the prison; adding, that he understood another person confined for a libel (whom he named) paid three guineas a-week for his accommodation in another prison. To this observation Petitioner said, that he could not afford to pay so much; upon which another of the Magistrates observed, that his (Petitioner's) subscriptions "were likely to be considerable." In a few days after this visit Petitioner was allowed to take exercise for three hours each day, which, according to his request, was fixed at from eight to nine in the morning, from one till two in the afternoon, and from five to six in the evening. But this arrangement was soon after altered, and an order issued, that such Petitioner should take exercise for three hours in succession, namely, from eleven till two o'clock. Against this order Petitioner again remonstrated; but the orders respecting the treatment of Petitioner have throughout varied in such a manner, as to justify Petitioner in stating, that they are dictated by a spirit of oppression.

"That, for a period of nearly five weeks, Petitioner was not allowed to go into the area for the enjoyment of air and exercise at all, in consequence of which his health suffered so severely, that the medical Gentleman who usually attended him, thought it necessary to call in another Physician; and Petitioner despairing of any redress from the Magistrates, had the certificates of these two Gentlemen transmitted to the Sheriff, copies of which certificates are hereunto annexed. The Sheriff in reply, as Petitioner understands, communicated his opinion to the Magistrates, that Petitioner should be allowed the air and exercise recommended by the Physician, but still Petitioner has been allowed only one hour each day, namely, from one until two o'clock; and if it rain at that period he is not permitted to go out at any other hour, his application to that effect having been peremptorily refused. Upon one occasion, indeed, Petitioner being severely afflicted by a head-ache, to which he has been subject for some time back, sent a request to the jailor that he might, in consequence of his illness, be allowed to go into the air of the Castle-yard, even for half an hour, in lieu of the hour from one till two o'clock—but this request was rejected. That this allowance of air and exercise granted to him, Petitioner most sensibly feels, and his medical attendant has so represented it, but in vain.

"That there are various other instances of oppression and injustice, of which Petitioner has to complain, but by the repetition of which he does not think it right to trespass upon the patience of your Honourable House. Your Petitioner, however, cannot overlook this circumstance; that about a fortnight after his arrival here, a person who came from London to attend him in his illness, was excluded from the prison, and a prisoner appointed to attended him, whose integrity he has cause to suspect; but whom, nevertheless, he cannot dismiss, because no other person will be admitted, even the person who dresses his victuals being refused admittance. That under such circumstances Petitioner appeals to your Honourable House for relief, trusting that you will not sanction such severity as cannot be justified by the sentence passed upon him, such as he presumes to assert was not in the contemplation of the Judges by whom that sentence was passed, such as is wholly unusual in this country.—Petitioner particularly and earnestly requests that your Honourable House, in consideration of the very weak state of his health, and the aggravation of his complaints, by the mode in which he has been hitherto treated, and which, if continued, must terminate in incurable disease, will be graciously pleased to take such steps that Petitioner may be forthwith removed into an airy apartment, and allowed the air and exercise necessary for the re-establishment and preservation of his health—that such apartment may be easily afforded him, as there is room amply sufficient in the front of the jail, the jailor having set apart 13 rooms for his own use, while his family consists of only three persons.

"Petitioner begs leave to represent to your Honourable House, that on or about the 27th of May last, a Petition, couched in terms such as Petitioner hopes were respectful, and signed by your Petitioner, was transmitted through the Secretary of State to his Royal Highness the Prince Regent, representing the situation of Petitioner.

"That Petitioner has waited in the humble hope of meeting redress, through the clemency of his Royal Highness; but having this day heard that the Secretary of State for the Home Department, owing to some delay, which to your Petitioner, suffering under such privations, appears extraordinary, has not yet been able to obtain the information which he professed it his duty to seek, previously to his offering his advice to the Regent upon the petition presented. Petitioner therefore, fearing the speedy prorogation of Parliament, has submitted his case to the consideration of your Honourable House, not from any doubt of the justice or clemency of his Royal Highness the Prince, upon whose liberality he has the utmost confidence; but from the impatience of a man unjustly oppressed, and suffering under the pains of disease, brought on by the treatment he has received.

"All that Petitioner requires, is an airy apartment, with the opportunity for air and exercise, which the prison yard affords.

"And Petitioner will ever pray.

"PETER FINNERTY."

"*Lincoln Castle, June* 16, 1811."

COPY OF DR. CHARLESWORTH'S TESTIMONY TO THE MAGISTATES OF THE COUNTY OF LINCOLN.

"Being professionly consulted by Mr. Finnerty, I am called upon to state my opinion, that his health, already much impaired, must materially suffer from the confinement to which he is now subjected, and from the alleged coldness of his room; and that a warm room and every possible advantage of fresh air and exercise are indispensibly necessary, not only for the chance of his recovery, but even for the preservation of his present state of health. I have the honour to be, Gentlemen, your most obedient servant, "E. P. CHARLESWORTH, M. D."

"*March* 1, 1811."

COPY OF DR. FAUSSETT'S TESTIMONY.

"Being called upon, in my professional capacity, to visit Mr. Peter Finnerty, in the Castle of Lincoln, I found him affected with many severe complaints, arising from disease of the digestive organs, with which, from his own testimony, he has at different times before, when deprived of the opportunity of air and exercise, been in a slighter degree affected. From the testimony, also, of Dr. Charlesworth, who has attended Mr. Finnerty during the greater part of the time he has been here, these complaints existed to a considerable degree of severity in his first coming, but almost entirely went off, on his being allowed a free air and more extended place of exercise.

"Within the last three weeks, since he has been again more closely confined, they have returned in a much aggravated form.

"It is my opinion that there is little or no chance of his health being restored, without a freer allowance of air and exercise, than the confined court to which he is at present restricted will admit of, but, on the contrary, every prospect of his complaints going on increasing. "JOHN FAUSSETT, M.D.

"*Lincoln, April* 29, 1811."

LAW.

COURT OF KING'S BENCH.

Wednesday, June 26.

THE KING *v.* JOHN MACDONALD.

The defendant, found guilty for a prose and a poetic libel upon the Rev. William Ireland, a magistrate of Somerset, was brought up for judgment.—The libels were printed in London, by the defendant, and originated from disputes between the prosecutor and Mr. Champness, a brother magistrate, relative to the appointment of the sexton of Frome; they charged the prosecutor with dereliction of his magisterial and clerical duties, and also with perjury: and they went farther and made indecent attacks upon his wife.—The defendant now swore by affidavit, that he printed only 30 copies of each libel, that none were sold, that he was ignorant to whom the initials in them referred, and also of the author of the libel, and that he went down to Frome to atone to the prosecutor. The de-

fendant was sentenced to three months' imprisonment in the Marshalsea, upon each indictment, and to enter into a recognizance in 100*l.* for his good behaviour for three years afterwards.

THE KING *v.* CHARLES COOKE.

This defendant, a constable of Hatton Garden, who was found guilty, at the last Middlesex Sittings, of an assault upon Robert Ekins, was brought up for judgment. On the trial there was much contradictory evidence, and Lord Ellenborough and the Jury were of opinion, that the defence was supported by perjury. The defendant was sentenced to one month's imprisonment in the Marshalsea.

Thursday, June 27.

THE KING *v.* JOHN ROBERTSON BELL.

This Defendant, a ship and insurance broker, found guilty, upon an indictment for sending a letter to Mr. Munnings, a merchant, provoking him to a breach of the peace, was brought up for judgment.—Lord ELLENBOROUGH observed, that it appeared, that although the letter was extremely violent, yet the Prosecutor had first called the Defendant a rascal, upon the public Exchange, for not accepting the Prosecutor's bill of 1000*l.* when it afterwards appeared by award, that there was only 300*l.* due to him. The Defendant then, as a man very naturally might when thus rated on the public Exchange, called the Prosecutor a liar, upon which he took advantage of his superior strength, and struck the Defendant. The Court would forget their feelings as men, if they did not make great allowances for a letter written upon such provocation. The letter was evidently written with warmth, but a day or two afterwards it did appear, that the Defendant had renewed his challenge to the Prosecutor; and therefore the Court, through Mr. Justice GROSE, sentenced him to one month's imprisonment in the Marshalsea, and to enter into a recognizance of the peace, for three years afterwards, himself in 1,000*l.* and two sureties in 500*l.* each.

THE KING *v.* GEORGE MANNERS.

This defendant was brought up for judgment, for the libel in the *Satirist*, against Mr. Hallet. He personally addressed the Court in mitigation of punishment. If the libel were to be considered by itself, unconnected with the general nature of the publication in which it appeared, he should admit, that it would merit the severest punishment; but he disclaimed all personal motives; and had not Mr. Hallet become the patron of Miss Taylor, and the abettor of one of the foulest libellers that ever lived, no conduct of his should have been noticed by the defendant. He was certainly the editor of the *Satirist*, but numerous articles appeared in that publication without his knowledge. It had been proved, that of the first libel, only the head "Hallet's Humanity," was in the hand-writing of the defendant; and the fact was, that the article was received by the publisher by the general post. Before he published it, the defendant used every exertion to ascertain its truth. The defendant then wished to refer to an authority, which, he observed, Mr. H. ought to be the last man to question; but—

The Court objected to his reading it, unless it really tended to mitigate the defendant's punishment. It was in vain for him to endeavour to shew there was no malice in the publications; defamation imported malice; and he admitted he published the libels advisedly and upon enquiry.

The Defendant then confined himself to an attempt to do away an idea, that the latter part of the last libel might be construed into a ridicule of Mr. Hallett for not breaking the peace.

Lord ELLENBOROUGH.—It states that Mr. Hallett had promised to give his brother-in-law satisfaction; but had cowardly declined to give him a meeting, where he would have received the summary chastisement he merited.—I don't commend your discretion in drawing our attention to that part of the libel.

The Defendant said, the libels were on Mr. Hallett's public conduct.

Lord ELLENBOROUGH.—But still that is part of his conduct; and you have no right to drag his private conduct to illustrate his public.

Mr. PARK supported the prosecution. It was true, the defendant did not write the first libel, but he adopted it; and he actually penned the second, from the composition of which Mr. Park should not gather that he was that man of education Mr. Garrow described him to be; for it descended to downright ribaldry, calling the prosecutor a *dog-butcher*, and trumping up a story about his wantonly killing a lady's dog.

Mr. Justice GROSE told the defendant, that the law was open to Mr. Hallett's relation, if she was aggrieved; and that the defendant had no right to deal justice between the parties.—This being a private libel, the Court sentenced him to three months' imprisonment in the Marshalsea, and find security for three years afterwards, himself in 500*l.* and two sureties in 250*l.* each.

COURT OF COMMON PLEAS.

Tuesday, June 25.

WARDEN *v.* BAILEY.

Mr. Serjeant FARRE moved for a rule to shew cause why a nonsuit in this case should not be set aside. It was an action brought by a Serjeant in the Bedford Local Militia, to recover damages for false imprisonment. A nonsuit was entered at the trial, on the ground that the Judge had no jurisdiction over the military proceedings against the plaintiff, *who had been confined nearly nine months* previous to being brought to a Court-martial. The facts, as stated, were as follow:—Mr. Whitbread, who is Colonel of the Bedford Local Militia, had established a military school for the instruction of the soldiers; they were to read and write, and pay eight-pence a-week. The plaintiff, who was described to be incapable of writing out his returns as a Serjeant, was arrested *for refusing to attend this school*, and brought before a Court-martial, by which he was acquitted.

Serjeants SELLON and BLOSSET contended, on a variety of grounds, that the nonsuit could not be removed, nor a new trial granted.

Lord Chief Justice MANSFIELD.—"Nothing can be more unkind than a dispute between officers and soldiers, and this leads us to think it is not the imprisonment that is the foundation of this dispute, as two actions (one has been brought against Mr. Whitbread) could not have been brought for one imprisonment, and no disputes can be so unpleasant as those which tend to reduce discipline. Without that, no army or military force can be of use. Disputes of that sort tend to produce the most mischievous consequences, and every body who is a friend to the army and the country, would wish to hear no more of this. Victory appears to be what the parties want in this case. Suppose the order was for the plaintiff to go one day in the week to read and write, at eight-pence a-week, we cannot believe that this was felt as a grievance by the men; so ignorant as they were, it would be advantageous to them. They might read and write, and eight-pence a-week is money next to nothing in value. These considerations make me think, and every reasonable man, that the object of these actions is partly to gratify the prevailing passions which agitate both parties. The Colonel must think that it was a desirable thing to instruct these men, and in the opinion of officers it is useful; but some men are found not to obey the order of any officer, useful or not. I should wish you to come to an accommodation."

The Learned Serjeant said, he would report to his client what had fallen from his Lordship.

ACCIDENTS, OFFENCES, &c.

It is not at all surprizing that things commenced in folly should end in mischief.—The show at Carlton-house, which for some weeks has been the constant theme of the idle and the empty, of all ranks, has terminated in a fatal manner. The pressure, on Tuesday, of persons to visit the gaudy scene was almost intolerable. Many ladies fainted, and others were much bruised; but life itself seemed to be held cheap when compared with the prospect of losing "so fine, so beautiful,

so enchanting, so divine," a sight.—On Wednesday, however, says the *Times*, it "being the last day that the public were permitted to view the interior of Carlton-house, the crowd from an early hour in the morning was immense; and as the day advanced the scene excited additional interest. Every precaution had been adopted to facilitate the entrance of the visitors. The Horse-guards paraded in front of the House, and were stationed at both ends of Pall-mall, and the various streets leading from it. The pressure to gain admittance was so great, that early in the day several females fainted away; many lost their shoes, and endeavoured to extricate themselves from the crowd, but this was quite impossible. The gates were only opened at certain intervals; and when this was the case, the torrent was so rapid, that many people were taken off their feet, some with their backs towards the entrance, screaming to get out. The scene at last began to wear a still more serious aspect; when it was deemed expedient that some measure should be resorted to, to prevent farther mischief. Lord Yarmouth and the Duke of Gloucester appeared, and announced to the public, that the gates would not be again opened; and that, for the sake of preventing the loss of any lives, they had to express the strongest wish that the persons assembled would cease from endeavouring to gain admittance. This, however, had not the desired effect; as many, who probably were ignorant of what had happened, remained in the anxious hope of being admitted at last.—The greatest pressure to obtain admittance took place about half-past two o'clock. About one, the crowd in the inside of Carlton-house had accumulated so much, that it was found necessary to shut the gates. The line of carriages now extended the whole length of Pall-mall, up to the very top of St. James's-street, and as there had been a complete stoppage for above half an hour, hundreds of ladies left their carriages, and hastened on foot towards the gates of Carlton-house. At this time you might see ladies and gentlemen coming out of the crowd covered with perspiration, and unable any longer to bear the pressure. Those who thus made their retreat in time, will have to congratulate themselves on their superior prudence. Hitherto all was comparatively well, and the scene rather afforded amusement than excited alarm. But the case was most materially altered when the gate of entrance was next opened. It became exactly like some of those rushes at our theatres, which have sometimes produced such melancholy consequences. Those behind irresistibly pushed on those before, and of the number of delicate and helpless females who were present, some were thrown down, and, shocking to relate, literally trod upon by those behind, without the possibility of being extricated. When at last the crowd got inside Carlton-house gates, four females were found in a lifeless state, lying on their backs on the ground, with their clothes almost completely torn off. One young lady, elegantly attired, or rather who had been so, presented a shocking spectacle; she had been trodden on until her face was quite black from strangulation, and every part of her body bruised to such a degree, as to leave little hopes of her recovery: surgical assistance was immediately had, but her life was not expected to be saved. An elderly lady had her leg broken, and was carried away in a chair; and two others were also seriously hurt, but on being bled, were restored to animation. One of them was able to walk home, the other was led by two men.—The situation of almost all the ladies who were involved in this terrible rush was truly deplorable: very few of them could leave Carlton-house until furnished with a fresh supply of clothes; they were to be seen all round the gardens, most of them without shoes or gowns; and many almost completely undressed, and their hair hanging about their shoulders. The crowd outside at one time literally carried away the Horse-guards for several paces, when the animals became restive to an alarming degree, rearing on their hind legs, and beating down all within their reach with their fore ones: several women were trodden under foot, and received considerable injury; and five or six men were so overcome that they fainted, and were carried off.—It is certainly a circumstance extremely to be regretted, that what was so generously intended for the gratification of the public, should have unexpectedly terminated in this most disagreeable manner. It does not appear that any blame can attach any where, though one would naturally suppose, that there must have been some imprudence in opening the gate at all, when the crowd on the outside must have already become tumultuous from their annoying situation."

On Wednesday week, a tradesman in Holborn, whose wife eloped from him three months ago, attempted, in the paroxysms of a violent fever, brought on by excessive grief, to cut his throat. He employed for this purpose a pair of scissars, but was only able to inflict a deep wound, which was sewed up. A few hours after, taking advantage of the absence of his attendant, he threw himself out of a two-pair of stairs window, in the hope of dashing out his brains; but his fall being broken by a projection in the yard, he escaped with life, but his arm was shattered in three places. Irritated at failing in these attempts, he then tore the bandage from his throat, and forcing his fingers into the wound, brought on a violent hœmorrage, and expired the same evening.

A young woman of genteel appearance attempted to commit suicide near the first bridge on the Paddington Canal, on Monday evening. She had been seen wandering about the bank an hour, and her strange manner excited the attention of Mr. Leaders and his wife, of Paddington, who were walking over the bridge, and after watching her some time, she took a prayer-book from her pocket, when after reading for a few minutes, she threw herself into the river. Mr. Leaders gave an alarm, and the unfortunate woman was rescued from her impending fate, after having been about two minutes in the water. Surgical aid soon restored her, and she turned out to be a dressmaker's apprentice in the neighbourhood of Wigmore-street; but she would not assign a reason for the rash attempt.

An inquisition was taken on Tuesday on the body of Mr. Barker, Office-keeper at the Council-Office in the Treasury, who put an end to his existence by cutting his throat with a razor, at his apartments, on Monday morning. The Jury, after a short deliberation, returned a verdict of *Lunacy*.

On Wednesday night, as Mr. Pemberton, of Hackney, was returning home, about a quarter past eleven, he was stopped by two footpads in disguise, who knocked him down, and robbed him of a guinea, a seven-shilling piece, three dollars, and about three shillings in silver,—besides taking a silver watch, with gold chain, seals, and key, about thirty yards from the Antelope public-house. The villains made off towards Homerton, who appear to be tall Portuguese. Information being given at the Public Offices, hopes are entertained of their apprehension.

MARRIAGES.

Lately, at Willoughby, in Warwickshire, Mr. J. Henton, to Miss Mary Mulin, both of that place, whose united ages amount to *twenty-nine!!*

On the 18th inst., at Hampstead Church, Mr. W. Walker, of St. Pancras, to Miss Macpherson, daughter of David Macpherson, Esq. of Church Terrace, St. Pancras.

DEATHS.

Yesterday morning, in the 36th year of her age, the much respected and excellent wife of Mr. Robinson, of Lincoln's-Inn-Fields.

On Sunday morning, in Baker-street, Portman-square, Lady Viscountess Sidmouth.

On Wednesday, at his house in Albemarle-street, the Right Hon. Sir J. Anstruther, Member for Anstruther, in Scotland.—He has left a widow, a son, and two daughters.—By his decease, a pension of 1500*l.* a-year falls to the East India Company.

Lately, at Konigsberg, a few days after he had completed his 116th year, a military invalid, named Gordon.

Last week, at Kelton, near Guisbrough, at the great age of 106, Dorothy Page. She retained her faculties to the last.

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